

# Selective Licensing Consultation Report

April 2017



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## 1. Introduction

The private sector in East Staffordshire has increased significantly since 2001 with some wards experiencing a high concentration of rented properties, significantly higher than the national average. Whilst the private rented sector performs an essential role in the Council's housing market, there has been a significant increase in the amount of complaints received in relation to poor housing conditions. These complaints tend to focus on the areas in which there is a high proportion of rented accommodation.

Following the completion of the private sector housing stock modelling exercise in April 2014 and a review of the local trend in relation to housing complaints, East Staffordshire Borough Council identified selective licensing as a suitable option that the council can adopt to proactively improve the housing conditions of poorly managed privately rented properties in the pilot area.

In August 2016, the Council's Cabinet approved a consultation on the proposal to introduce a selective licensing designation in East Staffordshire.

A consultation programme on the proposal was commenced in October 2016 for a period of 10 weeks in order to obtain the views of tenants, residents, landlords, letting/managing agents and stakeholder/representative organisations.

This document collates and considers the responses that have been received during the consultation exercise and where appropriate, provides a response to comments that have been submitted.

## 2. Background

The Selective Licensing Scheme Proposal document detailed the background evidence to support a selective licensing scheme in East Staffordshire, the proposed details of the scheme and how it would work in practice. The Selective Licensing Scheme Proposal document was written in accordance with non statutory guidance detailed in the DCLG guidance document 'Selective Licensing in the private rented sector: A Guide for Local Authorities'.

The Selective Licensing Scheme Proposal Report considered neighbourhood and local data to identify a pilot area based within the eastern area of Anglesey Ward that would benefit from the introduction of selective licensing.

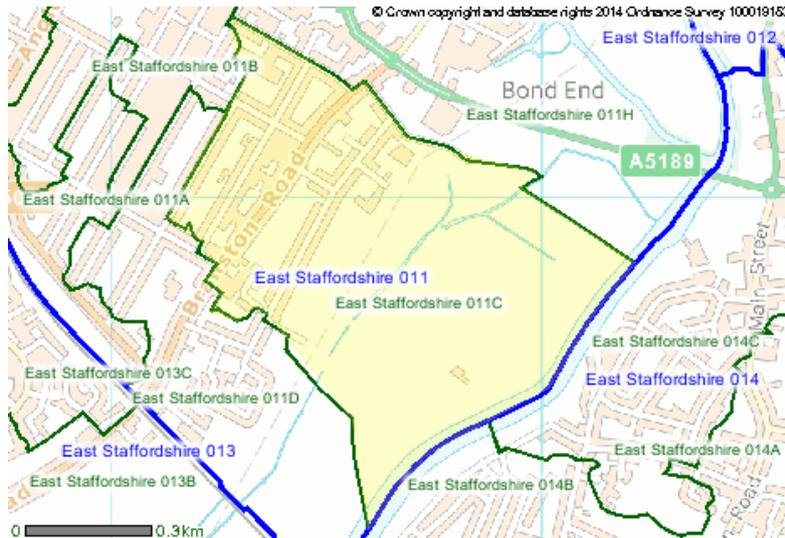
This specific area contains 667 households with a population of 1681, 40% of properties (271) fall within the private rented sector.

The area suffers from a wide range of issues including poor property standards, poor management, low housing demand, high levels of anti social behaviour and crime and is classed as one of the more deprived areas in England. In particular this area of Anglesey ward accounts for the highest amount of housing related complaints within East Staffordshire; house prices are below the average for East Staffordshire with a high amount of vacant properties and the rates for anti-social behaviour and crime are also relatively high for the area. The concentration of private rented properties in the area is significantly higher than average and the impact is therefore more keenly felt by the community.

The following streets and postcodes fall within the area which is proposed to be designated as a selective licensing area:

**Streets:** All Saints Croft, Bailey Street, Blackpool Street, Branston Road, Broadway Street, King Street, Queen Street, Rose Cottage Gardens, Trent Street, Watson Street, Wood Street.

**Postcodes:** DE14 3AB, DE14 3AE, DE14 3AF, DE14 3AG, DE14 3AH, DE14 3AL, DE14 3AN, DE14 3AP, DE14 3AQ, DE14 3AR, DE14 3AS, DE14 3AT, DE14 3AW, DE14 3BB, DE14 3BS, DE14 3BT, DE14 3BY, DE14 3EA, DE14 3GP, DE14 3LR, DE14 3NB, DE14 3TW



Our aims of selective licensing are:

- To protect private rented tenants and vulnerable groups from the social and health effects of poorly managed and maintained properties within privately rented accommodation
- To create sustainable private rented sector tenancies attractive to good tenants
- To make the area safer and a desirable place to live and work in by reducing the detrimental effects of poor tenancy management
- To encourage good landlords to operate within the area

Our objectives of selective licensing are:

- To improve property conditions and reduce overcrowding within the designated area.
- To improve the management of properties within the designated area
- To improve landlord and tenant awareness of their responsibilities and rights
- To reduce anti-social behaviour caused by private rented tenants
- To reduce the number of empty properties
- To reduce the number of problems associated with private rented properties that contribute to a high level of deprivation
- To improve the image and perception of the area making it a more desirable place to live

The consultation report considered whether there were alternative courses of action available that would achieve the same objectives as the selective licensing scheme. These include special interim management orders, empty dwelling management orders, demolition orders and clearance orders, additional licensing of houses in multiple occupation and private landlords accreditation schemes. Whilst each of these tools focus on a specific issue such as anti social behaviour, poor housing conditions or low demand, they do not collectively address the range of issues that selective licensing aims to achieve and are therefore insufficient to provide a strategic approach to achieve the full range of objectives detailed above. The

proposal concluded that there are no practical and beneficial alternatives to the designation of a selective licensing scheme.

East Staffordshire Borough Council will work with the following internal and external partners to achieve the objectives of the selective licensing pilot scheme:

- East Staffordshire Borough Council Enforcement Team- to monitor and enforce against flytipping, untidy gardens, and dog fouling to improve the image and perception of the area.
- East Staffordshire Housing Options Team- to provide assistance in accordance with our legal duties in relation to homelessness and illegal eviction and to implement initiatives to reduce the number of empty properties and improve the image and perception of the area.
- East Staffordshire Landlord Liaison- to provide increased landlord forums focussed on the provision of training and information in relation to increase aware of responsibilities and rights.
- Staffordshire Police- to work together through the Community Safety Partnership to advise, monitor and enforce against incidents of anti social behaviour and crime to manage and reduce the incidents of anti social behaviour within the designated area.
- Staffordshire Fire and Rescue- to work collectively to improve fire safety controls within private rented accommodation improving property conditions

The following strategies and policies will provide a co-ordinated approach in dealing with homelessness, empty properties and anti-social behaviour affecting the private rented sector in combination with the selective licensing scheme:

- Housing Strategy 2015-2020- recognises the effect that poor housing conditions have on a person's health. The housing strategy identifies a number of issues surrounding private rented accommodation and acknowledges that targeted additional pro-active enforcement on properties owned by landlords with a poor record of compliance could reduce these problems. An action is therefore identified within the housing strategy to consider a pilot project of targeted pro-active enforcement, which the selective licensing scheme aims to address.
- Housing Stock Model Strategy- this was formulated in response to the housing stock model survey undertaken in 2014 which recommends additional enforcement action which recommends the development and implementation of a project for improving the quality of housing in Anglesey ward, to improve the condition of private rented accommodation within parts of the borough most in need of housing improvements. Conditions set by selective licensing will ensure that properties are managed properly and can contribute to an improvement in the well-being of occupants and the wider community
- Anti-Social Behaviour Policy- the Council will continue to work alongside partner agencies through the community safety partnership providing a joined

up and consistent approach for the enforcement of anti-social behaviour. Licence conditions have been introduced requiring landlords to take action to deal with such behaviour and tenant referencing will ensure that tenants with known background of anti-social behaviour are not allowed to rent in the area. and conditions within the licence will work towards ensuring that tenants are aware of their responsibilities and landlords work with partner agencies to deal with tenants that are known to be causing anti-social behaviour

- Homelessness Strategy 2013-18- the Environmental Health team will work alongside the Housing Options Team to prevent homelessness through illegal eviction and will ensure that tenants and landlords are aware of their rights and responsibilities in relation to eviction.

A Selective Licensing Policy has been developed to provide a framework for the delivery of selective licensing by the Environmental Health Team along with internal and external partners. The Housing Enforcement Policy has also been reviewed to detail how enforcement action will be considered in relation to selective licensing. These policies work in combination with the strategies detailed above to provide a co-ordinated approach to the implementation of selective licensing to meet the identified objectives.

### 3. Consultation

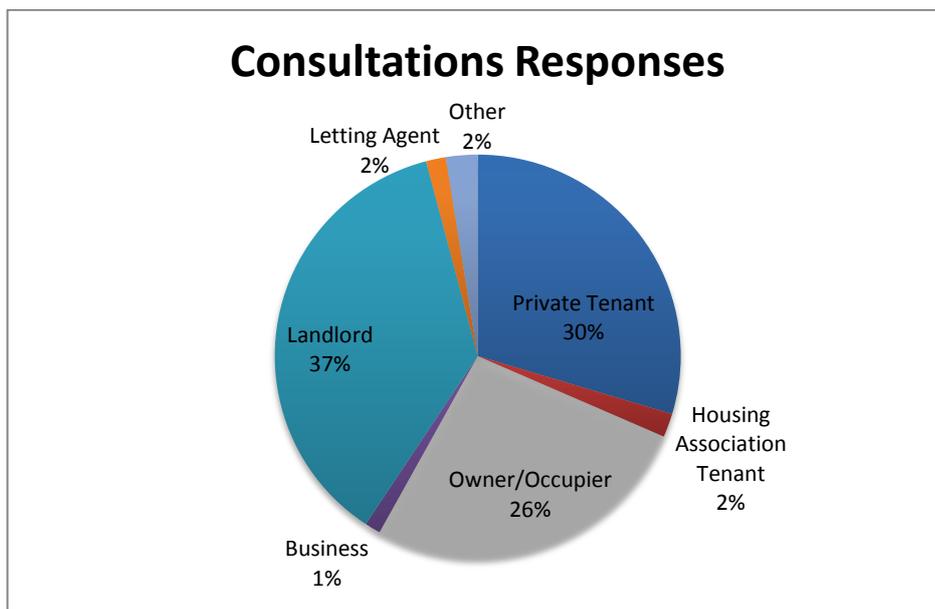
- 3.1. The consultation programme commenced on 10<sup>th</sup> October 2016 and continued for ten weeks, closing on the 19<sup>th</sup> December 2016. The selective licensing proposal was detailed on the consultation pages of the Council's website along with a copy of the full consultation document.
- 3.2. Two online questionnaires were created to gather opinions and feedback in relation to the selective licensing proposal and the area that has been proposed for the scheme to be implemented. The questionnaires were anonymous but enabled the respondent to indicate which area they resided in or whether they owned properties within the area. Both questionnaires were made available online on the consultation page of the website and questionnaires were also posted to all properties within and on the outskirts of the proposed area along with a reply pre paid reply envelope. A dedicated email address was set up to enable online responses to be sent as an alternative to the completion of the questionnaires and an address for responses was also made widely available.
- 3.3. Council officers also attended a consultation update meeting on 3 January 2017 that was requested by landlords within the affected area, to present information about the proposals and answer questions. This meeting was attended by landlords owning properties within the area. A presentation was delivered by a landlord group detailing objections to the pilot; which was submitted to all councillors on 1<sup>st</sup> February 2017, along with an accompanying response paper and a petition opposing the proposal which has been led by Tariq Mahmood. These are referred to in para 5.11. These submissions have been included within the consultation responses, despite being received outside of the consultation period.
- 3.4. The consultation was publicised in the following ways:

Date	Activity
W/c 10 <sup>th</sup> October 2016 & w/c 5 <sup>th</sup> December 2016	1000 letters and questionnaires hand delivered to properties within and on the outskirts of the proposed pilot area.
20 <sup>th</sup> October 2016	Presentation to the Landlord Forum detailing the scheme and provision of the full consultation document and questionnaires
25 <sup>th</sup> October 2016	Landlord and tenant drop in session held at Queen Street Community Centre where officers were available to discuss the proposals and answer any questions. Full proposal documents were made available along with consultation questionnaires.
W/c 21 October 2016	Letters sent to key stakeholders including:

	<ul style="list-style-type: none"> <li>• Police</li> <li>• Fire and Rescue Service</li> <li>• Social Services</li> <li>• Letting/ managing agents in East Staffordshire</li> <li>• Landlord organisations including RLA and NLA</li> <li>• Housing Associations</li> <li>• GP surgeries within the affected area and surrounding area</li> <li>• Primary and secondary schools within the area and within the locality</li> </ul>
10 <sup>th</sup> November 2016	Presentation to the Parish Council detailing the scheme and handing out additional information and questionnaires
Prior to and during consultation period	Advertisements and press releases within the local paper
Throughout consultation period	Promotion via social media- Twitter and Facebook
3 <sup>rd</sup> January 2017	Consultation update meeting requested by landlords followed by a Petition in opposition to the scheme
Copies of this proposal and associated leaflets were available to view at The Maltsters and the Customer Service Centre for the duration of the consultation.	

3.5. A total of 317 responses were received within the consultation period. Responses were a mixture of questionnaire responses (290) and separate consultation responses (27).

3.6. The number of responses received per respondent type is detailed below, with a relatively equal response rate for owner occupiers, private tenants and landlords as shown in chart 1:



3.7. Of these responses 204 respondents indicated that they lived within the area and 66 landlords indicated that they owned properties within the area. Individual comments were received from an additional 24 landlords, however many of these did not indicate whether they owned properties within the proposed selective licensing area.

3.8. The results from the consultation survey and separate individual submissions are detailed within the following chapters which have been broken down into separate stakeholder groups.

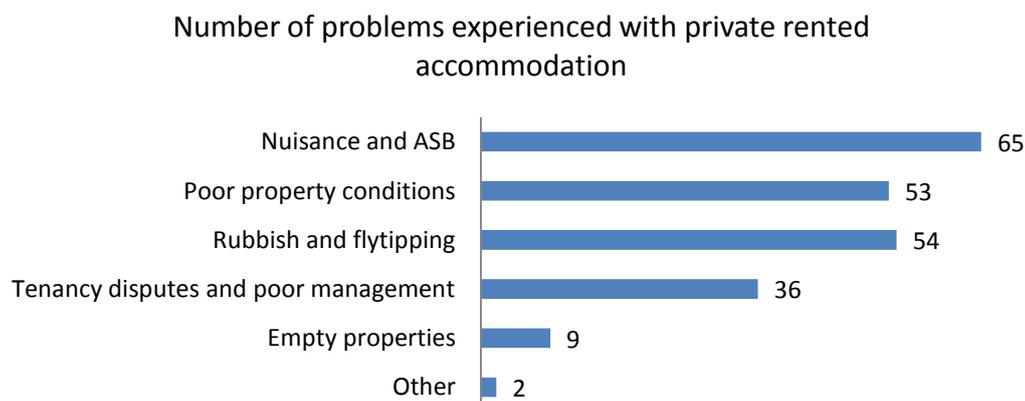
## 4. Resident and Tenant Responses

4.1. 183 residents and tenants completed the online survey which are broken down into the following respondent types:

Respondent Type	Number of responses
Private Tenant	94
Owner Occupier	83
Housing association tenant	6

### *Property conditions*

4.2. The number of respondents that indicated that they had experienced problems with private rented property in the area was disproportionately higher than that reported by Landlords (see para. 5.2). 81 respondents (44%) indicated that they had experienced multiple problems with a privately rented property in the area within the last 5 years, with 219 issues reported, as detailed below:



### *Experience of private tenants*

4.3. Focussing on the experience of tenants living in private rented accommodation, 40 tenants of private rented accommodation indicated that they had concerns about their accommodation, with 70% indicating concerns about the condition of the property, followed by concerns about the management of the property and fire safety, as detailed below:



## ***Views on the scheme***

4.4. General views on the introduction of selective licensing were surveyed using a number of quantitative questions designed to gauge opinion on the impact of selective licensing followed by a free text field for respondents to add general comments on the scheme.

4.5. The majority of residents and tenants indicated that they agreed or strongly agreed with the proposal to introduce a selective licensing scheme in the proposed area of Anglesey. The majority of residents and tenants indicated that the pilot will improve the standards of management from landlords and improve the conditions of properties.

4.6. The majority of residents and tenants indicated that they were unsure how the scheme would reduce anti-social behaviour and nuisance in the area and also whether the scheme would improve the area.

4.7. 88 residents and tenants provided additional comments within the free text field of the survey. Many of the responses covered similar issues for which the following themes emerged:

<b>Theme</b>	<b>Number of responses</b>
Selective licensing will benefit the area	36
The proposed area should be increased to include surrounding areas and should include the licensing of social housing	3
Concern about the license fee being passed onto tenants through rent increases	23
Selective licensing is a form of taxation which is not needed as sufficient enforcement powers are already available	8
The scheme won't make a difference as it will push poor landlords undercover and will only penalise good landlords	6
The scheme needs to be effectively enforced and monitored to be successful	6

4.8. Many respondents expressed support for the scheme suggesting that it will attract better businesses and improve the area and many provided further information about the issues experienced within their properties or within the general area. Respondents reported that they are ashamed of the area which was once a high status area and have become disillusioned because of the increased level of ASB and disregard for properties. Many have reported that the scheme is long overdue and that landlords exploit tenants, providing poorly managed properties that are of a poor standard, focussing on money and not the welfare of neighbours and tenants. One particular response stated that their

property was in a poor condition but was fearful to speak out as the landlord will not do the necessary work.

- 4.9. Concerns in relation to the cost of the fee being passed on to tenants were widely reported with many respondents expressing concerns about not being able to afford the rent if the licence fee was passed on through rent increases. Many were concerned about being evicted and as such could not support the scheme. Concerns were also raised in relation to targeting good landlords and many felt that it is an additional form of taxation for the council.
- 4.10. A high number of respondents indicated that they supported the scheme, indicating that the scheme would require effective enforcement and monitoring, and there were some responses that indicated that the scheme would not make a difference.
- 4.11. Some responses suggested that pilot should also cover surrounding areas in which there were a high number of rented properties and suggested that the scheme also covers social housing within the area. It was also suggested that the licence conditions fail to address the quality of tenants.

**Summary**

Overall, the majority of responses agreed or strongly agreed with the proposal to introduce a pilot, indicating that it would improve management standards and property conditions. Additional comments were provided supporting the pilot and detailing how the scheme would improve the area. The questionnaire has also identified a high proportion of residents that have experienced a problem with private rented accommodation and a high proportion of tenants that have experienced multiple issues with both the condition and the management of their accommodation. However, concerns were also raised about the price of the fee and that it would lead to an increase in rent.

## 5. Landlord and Agent Responses

5.1. 101 landlords or letting agents completed the online survey and are broken down into respondent types below. It is important to note that of these responses only 66 own or manage private rented properties within the proposed area.

Responses can be broken down into the following respondent types:

Respondent Type	Number of responses
Landlord	94
Managing/letting agent	5
Other	2

### *Property conditions*

5.2. The number of landlords and letting agents that indicated that there are problems with private rented accommodation in the proposed area is significantly lower than that reported by residents and businesses. Only 5 indicated that they thought there were problems with private rented properties in the proposed area compared to 81 residents and businesses as discussed in para. 4.2. Only a small number responded to the types of issues experienced which included poor property conditions and nuisance and ASB as joint majority.

### *Views on the scheme*

5.3. Landlords and letting agents general views on the introduction of selective licensing were surveyed using a number of quantitative questions designed to gauge opinion on the impact of selective licensing followed by a free text field for respondents to add general comments on the scheme.

5.4. 89% of landlords and letting agents indicated that they disagreed or strongly disagreed with the proposal to introduce a selective licensing scheme in the proposed area of Anglesey compared with only 8% that agreed or strongly agreed. This is in strong opposition to the views and responses of the residents and tenants. Similarly, a large majority of landlords and letting agents indicated that the scheme would not improve management standards or the condition of properties, which is also in opposition to the views of residents and businesses.

5.5. A higher proportion of landlords and letting agents indicated that selective licensing would not have an impact on the reduction of anti social behaviour or have an impact on improving the area.

5.6. 57 landlords and letting agents proposed a variety of suggestions for incentives that could be provided to landlords to ensure they manage their properties to a high standard. The main responses include the provision of grants, provision of education and training and the use of enforcement to increase standards.

5.7. 54 landlords and letting agents provided additional comments within the free text field of the survey. Many of the responses covered similar issues for which the following themes emerged:

Theme	Number of responses
Licence fee will be passed on to the tenant who may not be able to afford it and will be made homeless	14
Selective licensing is an additional tax/cost for the landlord	11
Landlords will sell their properties resulting in a reduction of available rented accommodation and also increasing the amount of homeless people.	8
Current enforcement provisions should be used	5

5.8. There were no comments in support of the scheme but a few indicated that tenants should also be held accountable for their actions and behaviour.

5.9. Comments in relation to the cost of the fee being passed on to tenants were put forward along with concerns that tenants would not be able to afford the rent if the licence fee was passed on. Many commented that it would lead to an increase of homelessness and landlords would sell properties rather than pay for the scheme. A few concerns were also raised in relation to targeting good landlords as a result of targeting poor landlords.

### ***Individual landlord responses***

5.10. 24 individual responses from landlords were also provided through individual submissions. These responses mirrored the comments for the online survey as detailed in paragraph 5.7.

5.11. A response paper was received during a consultation update meeting requested by landlords as detailed in paragraph 3.3. This was subsequently submitted to all Councillors as part of consolidated lobbying action along with a petition that was submitted. Councillors received numerous harassing emails requesting the implementation of the pilot to be stopped. The issues raised within these emails and the response paper have been incorporated within sections 8 and 9.

5.12. The response paper raised concerns about the effects from the introduction of the scheme and the accuracy of the data contained within the consultation proposal. It opposes the introduction of a blanket approach of selective licensing as it will increase homelessness, increase anti-social behaviour, increase rents and force a number of landlords out into the other areas which do not have selective licensing.

- 5.13. Section 2 of the document summarises the key points and conditions for the introduction of selective licensing as detailed with the DCLG guidance for local authorities considering selective licensing and provides comments married against each of the criteria for the proposal. A response to this document is provided in Appendix 2.
- 5.14. The proposed pilot scheme does not seek to implement a blanket approach introducing selective licensing to the whole borough, a small specific area has been identified that has a high proportion of poor quality private rented accommodation that is not being managed effectively, and which would therefore benefit for selective licensing. The use of selective licensing focused on a small area of need is in accordance with government guidance for the implementation of selective licensing. Reviews undertaken by local authorities that have active selective licensing schemes demonstrate that the incidence of ASB has reduced and they have also seen a reducing in the number of empty properties. In relation to an increase of rent, the fee that was consulted on has been significantly reduced to minimise any effect on the rent that a tenant is required to pay due to the selective licensing fee.

**Summary**

Overall, the vast majority of responses related to the objection of the scheme, in particular the licence fee which they believe is a form of taxation to assist with council budget cuts along with an indication that the licence fee would be passed on to tenants. One landlord that responded individually reported that they were generally in favour of the scheme.

## 6. Business Responses

6.1. Only 3 businesses completed the online survey, with only 2 indicating that they were based within the pilot area.

6.2. All businesses indicated that they had not experienced a problem with private rented accommodation in the area in the last 5 years.

### ***Views on the scheme***

6.3. Businesses general views on the introduction of selective licensing were surveyed using a number of quantitative questions designed to gauge opinion on the impact of selective licensing followed by a free text field for respondents to add general comments on the scheme.

6.4. One business based within the pilot area indicated that they strongly agreed with the proposal to introduce selective licensing with the 2 other respondent indicating that they strongly disagreed.

6.5. All businesses indicated that the scheme would not improve management standards or the condition of properties, would not reduce ASB and would not improve the area.

6.6. In reviewing the results the low number of businesses that responded may be considered unrepresentative of the area.

6.7. There were two additional comments provided which were in opposition to the scheme stating that the fee is an additional tax that will cause an increase in rent, causing more problems.

### **Summary**

Overall, a majority of responses related to the objection of the scheme in relation to the fee being an additional tax that may cause an increase in rental prices.

## **7. Key Stakeholder Views**

7.1. Key stakeholders provided responses to the consultation, including Staffordshire Police, Staffordshire Fire and Rescue, Housing Options, Anglesey Parish Council, Residential Landlords Association, National Landlords Association, and the Member of Parliament for Burton. The key points raised by each organisation are summarised below:

### ***Staffordshire Police***

7.2. Staffordshire Police provided a response in support of the pilot scheme and offered additional assistance for PCSO's to attend multi agency/landlord meeting sessions.

7.3. The following comments were made:

- Selective licensing scheme will seek to re-generate the area and improve the quality of life for those in private rented accommodation and their neighbours.
- Landlord obligations will ensure hands on management of the property and their tenants in relation to behaviour.
- Better landlords, better tenants, better environment, better neighbours equal a better neighbourhood and less ASB and crime.
- The scheme will feed into Staffordshire Police mission of keeping our community safe and reassured.

### ***Staffordshire Fire and Rescue***

7.4. Staffordshire Fire and Rescue provided a response in supporting the scheme to encourage property and management standards in the area.

7.5. The following comments were made:

- Selective Licensing may assist in providing access to enable further visits to carry out home fire risk checks to ensure the property is safe from fire.
- Additional legislation now applies to private rented sector housing for carbon monoxide detectors to be installed
- Assistance can be offered through the Prevent and Protect Team to carry out home fire risk checks and the installation of smoke and carbon monoxide alarms

### ***Housing Options***

7.6. The housing options team provided comments in relation to anticipated effects in homelessness and empty properties. They reported that poor housing conditions and other poor management practices are drivers of homelessness and as a result there is potential for a positive impact on homelessness in the medium and

longer term due to the introduction of selective licensing. Focusing on areas such as Manchester and Bristol which have long standing selective licensing schemes both have determined that they have had a positive overall impact on homelessness.

7.7. Housing options will assist with the wider issues surrounding selective licensing by offering advice to owners of empty properties about putting them to use or selling them. They will also provide advice and assistance to tenants on their legal rights if they are unable to secure an alternative property to move to, after the expiry of a notice which requires landlords to take court proceedings to enforce the notice.

7.8. The team also has a specific member of staff tasked with advising and supporting landlords in the legal process in recent years in order to improve the services to landlords. This officer will continue to provide advice and assistance to landlords that are part of the selective licensing pilot.

### ***Residential Landlord Association***

7.9. The following comments were made:

- The Council is premature bringing the proposal forward as the new housing and planning Act will provide new powers to tackle breaches of housing legislation- see paragraph 9.7 for further comments covering legislation.
- There is little evidence that selective licensing improve housing standards
- The council has tools to tackle poor housing management and conditions in the private rented sector.
- Selective Licensing can potentially blight the reputation of the area
- Landlords will become risk averse to who they rent to and if licensing costs are passed on to the tenant then tenants may struggle to afford the rent.
- The RLA suggest a system of self regulation through a co-regulation scheme which the RLA administer.

### ***National Landlords Association***

7.10. The National Landlords Association response has been summarised by the following comments:

- Landlords have very limited authority to deal with matters related to anti-social behaviour (ASB), especially if it happens outside the curtilage of the property
- The proposal fails to provide evidence or a link between recorded housing crime and the private rented sector
- The scheme will lead to a further displacement of problem tenants in East Staffordshire
- The documentation provided also fails to indicate that sufficient funding will be available to support the functions necessary to support licensing

- How will the Council prevent malicious ASB claims being made that could result in tenants losing their tenancies.

### ***Shelter***

7.11. A response was received from Shelter in relation to selective licensing who stated that whilst they do not generally have capacity to review individual schemes, they are generally supportive of council's being able to use selective licensing powers.

### ***Member of Parliament for Burton***

7.12. The Member of Parliament for Burton provided a response in opposition to the scheme stating that the proposal was 'ill thought out and unnecessary', suggesting that 'existing powers' should be used in addition to implementing 'less draconian measures'. It concluded that the scheme is burdensome to good landlords and will impact tenants with increased rents causing homelessness. It refers to the use of out of date information and suggests that the scheme will 'damage community relations, and is a manifestly un-Conservative approach to addressing problems in the private sector'.

7.13. However, as detailed in the DCLG guidance in March 2015, the government is keen to ensure that the private rented sector is encouraged to meet the demands for accommodation with decent quality accommodation. With effect from 1 April 2015 a new general approval came into force providing additional criteria for making a scheme which enable local authorities to make effective licensing schemes to address specific problems arising in particular areas such as poor property conditions. Further additional powers to increase compliance with Housing legislation is expected through the new Housing and Planning Bill and through the extension of HMO licensing requirements.

### ***Anglesey Parish Council***

7.14. Anglesey parish council provided an online response in which they expressed support for the pilot, indicating that the pilot would improve housing conditions within the area. They provided comments in support of the pilot being extended to the whole parish. Whilst they found the cost of the licence high when broken down it represents a small weekly amount. They reported that the fear of increased rents is strong in the area; however, the true cost to good landlords is minimal but highly significant for those needing to spend money on improving the property. These are where the rents may significantly be increased but represent the cost of maintaining the property and as such the area.

<p><b>Summary</b></p>
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<p>There has been a mixture of responses received from key stakeholders, with</p>
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Staffordshire Police, Staffordshire Fire and Rescue, East Staffordshire Housing Options, Shelter and Anglesey Parish Council all in favour of the pilot. The Residential Landlords Association, National Landlords Association and the Member of Parliament for Burton are all in opposition to the pilot.

## **8. Summary of Consultation Responses**

- 8.1. The consultation exercise has highlighted a broad range of views on the proposal. It is clear from the results of the online survey that a majority of residents support the proposal to introduce Selective Licensing however a large proportion of landlords object to the scheme.
- 8.2. A large majority of residents and tenants have reported experiencing problems in the area, experiencing poor property conditions, ASB, and fly tipping. Of those living in rented accommodation, just under half reported concerns about the conditions of their accommodation and the management of the property.
- 8.3. The online survey demonstrates most residents' clear support for the Council's selective licensing proposals. Understandably some tenants felt unable to support the proposals due to the possibility that it could lead to their rent being increased, as some landlords have reported that this is what they will do.
- 8.4. The comments received in objection to the scheme have highlighted common themes and have been coordinated to provide a consistent, almost identical response from landlords. Many are critical of the scheme and feel that it is an additional tax. Concerns have been raised in relation to the price of the fee, an increase in homelessness if the fee is passed on to tenants and a lack of enforcement of the scheme.
- 8.5. A high proportion of residents and landlords did not believe that the scheme would have an impact on ASB and landlords were critical of having to deal with ASB commenting that they should not be held responsible for the actions of tenants in causing these sorts of problems, because they were unable to control their behaviour.
- 8.6. It is unsurprising that conflicting responses have emerged from the consultation. The separate written submissions and wide ranging comments from the online survey, all make important contributions to the debate about the advantages and disadvantages of licensing. Some landlords have made suggestions to make the scheme more palatable for them should it go ahead. All of these are clearly important issues which the council has considered in the following section.

## 9. Council Response and Next Steps

- 9.1. The consultation has highlighted opposing opinions on licensing. Residents of the proposed pilot area largely support licensing and some tenants have reservations or oppose it, whilst landlords and agents on the whole are opposed to it. However, it would not be appropriate to simply base a decision on a majority view. The strength of the arguments and the evidence put forward by both sides needs to be appropriately considered and the merits of different positions given careful consideration.
- 9.2. This section presents an analysis of the information, views and opinions expressed during the consultation providing a response to the main comments received.
- 9.3. The response rate overall has been very good with a total of 317 responses based on the pilot area of 661 households. The consultation also included surrounding areas along with key stakeholders, detailed in section 3. The questionnaires that were used were available online and paper versions were sent to 1000 properties and premises within and surrounding the pilot area.
- 9.4. Whilst the questionnaires enabled a respondent to remain anonymous this poses a risk as to the validity of the person completing and submitting the form, and therefore the reliability of the responses based on the respondent type is questionable. These are recognised drawbacks of questionnaires and therefore the results should be used as a guide only.
- 9.5. East Staffordshire Borough Council will need to base its decision having regard to its understanding of the law, both current and proposed, the strength of the evidence concerning poor property conditions in the proposed area and the outcome of the consultation process.
- 9.6. Focusing on the initial consideration of 'issues' that the proposed pilot seeks to address, are poor property conditions, poor management, low housing demand, high levels of ASB and crime and deprivation. Importantly, this area of Anglesey accounts for the highest number of housing related complaints within East Staffordshire and a high proportion of empty properties that blight the area. Selective licensing aims to address these issues by improving the standard of privately rented accommodation and improving the standard of management to provide an overall improvement in living conditions. This will also have a knock on effect to levels of crime, ASB, nuisance, creating a better place to live and a better quality of life for residents in all tenures. This improvement will lead to both better landlord management and also better tenant behaviour.

## Revised Fee

9.7. The main issue that was heavily reported was a concern in relation to the price of the fee, both by tenants and landlords. Tenants were concerned about the fee being added on to the price of the rent and landlords were concerned about the impact it would have on the affordability of the rental, especially where landlords owned multiple properties. A number of landlords objected to paying a fee due to other 'rogue' landlords and felt that the single fee for all was unfair and that additional discounts should be incorporated for good landlords that are compliant with the scheme. Further comments related to the single fee for all properties, as some properties are let to several families as a HMO which falls outside of the mandatory HMO licensing, and would require a longer inspection than a single let property.

9.8. In response to the consultation exercise, the fee structure has been significantly altered as detailed below. A number of discounts and tiers have been introduced which introduces a minimum fee of £300 for a landlord that is accredited and applies within 6 weeks of the launch of the pilot. Based on a 5 year licence this is a monthly cost of £5 per month, or £4.17 if the multiple property discount also applies.

9.9. This reviewed fee will ensure that the potential economic impact to the area, especially the risk of increased costs to compliant landlords is minimal. The reduced cost for an accredited landlord will encourage sign up of landlords to the accreditation schemes that the Council signpost to increase compliance.

Original Proposal Fee Structure (Per property)		Reviewed Fee Structure post consultation	
Accredited Fee	£500	Single property	£450
Standard Fee	£680	HMO (not subject to mandatory licensing)	£550
Late Application	£700	Temporary Exemption Notice	£50
Administration Charges:		Discounts:	
Incomplete Application	£30	Introductory Offer (complete application received within 6 weeks of the pilot coming into force)	£100
Variation Fee	£50	Accredited Landlord Discount	£50
Temporary Exemption Notice	£50	Multiple Property (applies for the cost of the second and subsequent properties)	£50

9.10. Local authorities have the power to charge for enforcement action under section 49 of the Housing Act 2004. The Council charge for enforcement action based on the time spent by officers as detailed below and in accordance with the Housing Standards Enforcement Policy:

Enforcement Action	Breakdown of the enforcement charge (hourly rate)
Improvement Notice or Hazard Awareness Notice	Determining whether to serve the notice Identifying any action to be specified in the notice Serving the notice
Emergency Remedial Action	Determining whether to take such action Serving the notice required
Prohibition Order or Emergency Prohibition Order	Determining whether to make the order Serving copies of the order

### ***Key Issues Identified***

9.11. Following an analysis and consideration of the information, views and opinions expressed during the consultation, the following table Council response to the main comments or concerns that have been grouped together under themes:

Comment/ Concern	Council Response				
Selective licensing is an additional tax/cost for the landlord, and the fee is too high	<p>A high proportion of consultation responses have raised concerns over the level of fee, and have argued for a lower fee to be introduced for compliant landlords. Following a review of the fee structure the fee has been reduced substantially for accredited landlords with a further reduction for early applications. This equates to £300 for a 5 year licence, or £5 a month for an accredited landlord whilst a higher rate applies for non accredited landlords. Any requirement for enforcement action would be charged for if required for non-compliant landlords.</p> <p>See paragraph 9.7 for further detail.</p> <p>The fees have been benchmarked against a number of local authorities that have a selective licensing scheme as detailed below. The revised fee has been compared to those detailed below and fall within the lower priced fees.</p> <table border="1" data-bbox="545 1953 1430 2056"> <thead> <tr> <th>Council</th> <th>Fee Structure</th> </tr> </thead> <tbody> <tr> <td>Bristol City Council</td> <td>Standard: £470 Compliant landlord: £370</td> </tr> </tbody> </table>	Council	Fee Structure	Bristol City Council	Standard: £470 Compliant landlord: £370
Council	Fee Structure				
Bristol City Council	Standard: £470 Compliant landlord: £370				

	Hyndburn Borough Council	Standard + Accreditation scheme: £690 Standard: £740 Late + Accreditation: £765 Late: £820
	Liverpool City Council	Accredited: £350 Standard: £400
	Newcastle City Council	Accredited: £450 Standard: £550
	Newham Council	Standard: £500 New Build: £150
	Peterborough City Council	Accredited + Early Fee: £50 Standard: £600 HMO: £750 Late: £900
	Rotherham	Accredited: £505 Standard: £605
	Thanet District Council	Accredited + early: £345 Accredited: £389 Standard: £439
	Wirral Council	Accredited: £495 Early: £595 Standard: £695
The licence fee may be passed on to the tenant.	<p>One of the aims of selective licensing is to improve the area, property conditions and management thereby strengthening the community. Making the area more attractive to tenants is expected to be of benefit to landlords and it is therefore expected that fees will not be passed to tenants.</p> <p>Government guidance provides advice on rent increases and the tenancy agreement should include how and when the rent will be reviewed.</p> <p>For a periodic tenancy (rolling on a week-by-week or month-by-month basis) a landlord can't normally increase the rent more than once a year without the tenants agreement.</p> <p>For a fixed-term tenancy (running for a set period) a landlord can only increase the rent if the tenant agrees. If the tenant does not agree, the rent can only be increased when the fixed term ends.</p> <p>Generally for all tenancies, a landlord must get the tenants permission if they want to increase the rent by more than previously agreed and the rent increase must be fair and realistic, ie in line with average local rents.</p> <p>A tenant can apply to a tribunal to decide on certain rent disputes in England.</p> <p>Whilst the Council does not approve of licensing fees being passed to tenants it is anticipated that the reduced fee will ensure that any rent increase would be minimal.</p>	

	<p>This viewpoint is mirrored by national government who are consulting on additional legislation, as part of the housing white paper, to reduce fees that are passed on to tenants by letting agents. Whilst this legislation does not appear to tackle licensing fees, it is hoped that the reduction in letting agents fees will provide a reduction in rent for tenants.</p>
<p>Rented properties will be sold by landlords to avoid paying for a licence.</p>	<p>Empty homes do avoid the selective licensing fee, but also avoid earning rental income and could incur Council Tax liability if left empty for extended periods of time. On this basis an increase in empty properties in response to the scheme seems unlikely.</p>
<p>Homelessness will increase</p>	<p>Landlords have indicated that the licence fee will be passed on to tenants through increased rents and the sale of rented properties will reduce the amount of properties available to rent, increasing homelessness.</p> <p>The reduced fee will reduce the likelihood that the fee will be passed on to the tenant and if it is then it will have a reduced impact on the affordability of a property.</p> <p>Under selective licensing legislation a landlord is not able to legally evict a tenant unless he has a licence in place, which ensures a tenant is not evicted purely due to selective licensing being introduced.</p> <p>(Should a tenant be evicted the Council will fulfil its legal duties to affected persons which will be dealt with by the Housing Options Team)</p>
<p>Current enforcement provisions are sufficient and should be used instead of selective licensing</p>	<p>It can be difficult to identify the extent and nature of problems caused by poor landlords, as we rely on concerns being raised by tenants or neighbours. However, vulnerable tenants can be afraid to raise these issues due to fear of eviction of harassment, or unaware of their rights.</p> <p>Housing officers have a good level of intelligence about housing conditions in the area and about the landlords operating locally, especially where enforcement action had been taken about a landlord.</p> <p>The most effective means to removing landlords who demonstrate these behaviours is to adopt a proactive strategy of identifying, taking enforcement action and where necessary prosecuting landlords. Selective Licensing is a tool that utilises proactive inspection and enforcement to ensure a minimum standard of management is met by landlords; preventing properties being rented in a poor, unsafe condition.</p> <p>The introduction of the Selective Licensing pilot enables the local</p>

	<p>authority to ensure all local private rented stock in the designated area meets the legal standard by ensuring all housing meet the conditions set out within the licence.</p> <p>Many of the provisions relating to selective licensing are similar to those relating to the mandatory and discretionary licensing of HMOs and ensure a minimum standard of management is met by Landlords.</p> <p>Whilst comments have not been received in relation to the licence conditions, these have been reviewed and reduced to include only mandatory conditions and discretionary conditions that are deemed appropriate to meet legal requirements and best practice, including guidance included in the how to rent booklet that landlords must give to tenants. These are detailed in Appendix 1.</p> <p>This ensures that landlords are not required to undertake works over and above the legal requirement or best practice and therefore no additional work should be necessary.</p>
<p>The Council is premature bringing the proposal forward as the new housing and planning Act will provide new powers to tackle breaches of housing legislation.</p>	<p>The proposed housing and planning act aims to continue to drive up safety and standards in the private rented sector, and drive out rogue landlords</p> <p>Additional powers are anticipated introducing banning orders to remove the worst landlords or agents from operating, a rogue landlord database and the introduction of civil penalties that can be issued by Councils to landlords as an alternative to prosecution.</p> <p>Whilst providing additional powers to deal with poor landlords, the powers are only useful should the Council be made aware of an issue with a property.</p> <p>The additional powers do not however assist with the aim of the selective licensing pilot which is to ensure that all properties meet the legal standard when they become rented. This aim can only be achieved using a proactive approach to housing inspection, rather than a reactive basis once a tenant complains to the Council about issues that they are experiencing within their property.</p> <p>The new powers will however assist in the enforcement of the scheme, further reducing the costs of any required legal action due to non-compliance following the introduction of civil penalties and banning orders for those that persistently fail to comply with housing legislation.</p>
<p>The figures that have been used are out of date</p> <p>The selection of the area is biased towards Anglesey</p>	<p>The data that has been collated for the evidence base has been obtained from the Office of National Statistics. The statistics used are the most up to date nationally recognised official statistics that are published in relation to the economy, population and society at national, regional and local levels.</p>

<p>during ranking.</p>	<p>Whilst some figures relate to the last census in 2011 these are the most recent national statistics which continue to be used for national policy making. Whilst other sources of information may be available the reliability cannot be verified and therefore are unsuitable for inclusion. Other sources of data include the Staffordshire Observatory and East Staffordshire Borough Council which have used the most recent statistics in relation to crime, ASB and housing complaints. The next census is due in 2021 which will be considered as part of the review process and will be considered for an extension to the current pilot, subject to consultation.</p> <p>Statistics were also used following the stock model survey in 2014 which the Council has a duty to undertake every</p> <p>The evidence base used statistics and applied a process of ranking to sort each of the 16 areas that were considered in relation to the conditions that may be considered for selective licensing. Where an area had an equal value to another the higher rank was rotated to ensure that an area that had several joint scores did not received the higher rank consecutively.</p>
<p>Poor Tenant Behaviour and Tenant Referencing</p>	<p>License conditions will ensure tenants are more aware of their responsibilities for maintaining their tenancy and are aware that they must act responsibly and not be associated with anti social behaviour.</p> <p>Tenant referencing will also enable landlords to check the suitability of a tenant prior to the property being let.</p> <p>The Landlords forum will be improved to provide additional education and effective support for landlords in the management of tenants who cause anti-social behaviour including supporting landlords through the eviction process should it become necessary to seek possession.</p>
<p>The proposed area should be increased to include surrounding areas and should include the licensing of social housing</p>	<p>The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 lists exemptions from selective licensing which includes a specific exemption for social housing.</p> <p>The proposal currently relates to a pilot area that has been identified to significantly benefit from the introduction of the scheme. Consideration of extending the scheme will only be made following evaluation of the current scheme and following full consultation of any future proposals.</p>
<p>Effective enforcement and monitoring is needed otherwise it will push poor landlords undercover and only penalise good</p>	<p>A proposed selective licensing policy has been developed to detail how the scheme will be effectively administered, enforced, monitored and evaluated to ensure all rented properties are licensed. Where landlords do not comply with the legal requirements enforcement action will be taken in accordance with</p>

landlords	<p>the Housing Enforcement Policy</p> <p>The scheme includes significant discounts for accredited landlords and for those that apply early to reduce the impact on compliant landlords.</p>
Landlords have very limited authority to deal with matters related to anti-social behaviour (ASB)	<p>Landlords can play a vital role in helping to tackling antisocial behaviour connected to their properties. Through selective licensing landlords will be asked to obtain references for all new tenants and to co-operate with all activities by the Council and other agencies to prevent, investigate and deal with antisocial behaviour or crime arising from or connected to their properties.</p> <p>The Council is keen to work with landlords to ensure they are able to manage their tenancies effectively. This only relates to antisocial behaviour and crime connected with a landlord's property, landlords are not being expected to deal with issues arising away from the property.</p> <p>It was also reported by landlords that they currently play an active role in dealing with any issues of ASB and therefore the proposal does not require them to act over and above what they currently do but joint working with the other authorities may result in a wider improvement and reduction in ASB.</p>
The documentation provided fails to indicate that sufficient funding will be available to support the functions necessary to support licensing	<p>The licence fee covers the cost of issuing the licence, under the legislation it cannot be used to make money for the Council. The licence fee has been worked out by costing the work that has to be undertaken by the housing services team to issue a licence, ensuring that there are adequate resources available for the selective licensing pilot will be sufficiently supported.</p>
Training and advice	<p>The Council promote landlord accreditation schemes through the website. A discount is available for the selective licensing fee for landlords that are part of a recognised accreditation scheme. Such schemes provide a wealth of information, advice and training that assists landlords in meeting their legal duties.</p> <p>The Council also run a landlords forum throughout the year which also provide advice and guidance for landlords during which speakers are invited to attend to provide training and guidance on key areas such as electrical safety, tenancy deposit schemes etc.</p> <p>The landlord forum will be utilised to greater extent to assist training needs for landlords to improve compliance with housing legislation and to ensure they are meeting their duties under the selective licensing requirements.</p>

## Current Selective Licensing Schemes

9.12. There are a large number of authorities that have selective licensing schemes in place, and these are increasing following the change in guidance in 2015 which provided additional criteria that can be used to consider whether a scheme is appropriate. A number of local authorities are coming to the end of their selective licensing designations and have undertaken reviews on the impact of the scheme (which were originally designated under the old guidance in which evidence was required to demonstrate issues with ASB or low housing demand only). These are summarised below:

Council	Key Finding
Thanet District Council	<p>Introduced a selective licensing scheme in 2011 to address low housing demand, ASB, poor management and poor housing conditions. They are now planning on extending the original designation for a further 5 years. Their findings from the original designation include-</p> <ul style="list-style-type: none"> <li>• A lack of compliance from landlords, which is still experienced 4 years into the scheme, with some avoiding the licence and numerous breaches of licence condition.</li> <li>• Increased landlord and agent engagement increasing the amount of responsible landlords who are supportive of the scheme</li> <li>• 62% of properties have been identified to lack compliance with the licence conditions.</li> <li>• Reduction of ASB by 28.7%</li> <li>• Reduction in the number of empty properties</li> <li>• Despite an improvement in the area there remains a low housing demand and a high turnover of residents which the further designation aims to address over a longer time period.</li> </ul>
Newcastle City Council	<p>Current proposal to extend for a further 5 year period, their review identified-</p> <ul style="list-style-type: none"> <li>• improvement in housing conditions and management standards</li> <li>• Reduced impact on housing demand as 5 year period is insufficient to show a difference</li> </ul>
Newham	<p>Introduced a borough-wide scheme in 2013. A recent review identified:</p> <ul style="list-style-type: none"> <li>• ASB reduced by 61%</li> <li>• 930 prosecutions</li> <li>• Additional £1,926,862 collected in council tax from landlords</li> </ul>

- |  |  |
|--|--|
|  | <ul style="list-style-type: none"><li>• Proposals to extend period for 5 more years.</li></ul> |
|--|--|

## 10. Appendix 1- Selective Licensing Conditions



# Selective Licensing Scheme Conditions Housing Act 2004

The following licence conditions detail what the licence holder must adhere throughout the duration of the licence (or their nominated agent where specified) as required by section 90 and Schedule 4, Housing Act 2004. If you do not understand the requirements, please contact the Environmental Health Team who will be able to help you.

Failure to adhere to one or more of these licence conditions could result in formal proceedings against you, with a maximum penalty of an unlimited fine and/or the loss of your licence.

### **Mandatory Conditions.**

1. If gas is supplied to the house, the licence holder must produce an annual gas safety certificate to East Staffordshire Borough Council in respect of the house within the last 12 months.
2. The licence holder must:
  - a. keep electrical appliances and furniture provided by her/him in a safe condition
  - b. supply the authority with a declaration by him, as to the safety of such appliances and furniture.
3. The licence holder must:
  - a. ensure that smoke alarms are installed in the house and must keep them in proper working order
  - b. supply the authority with declaration by him as to the condition and positioning of such alarms.
4. The licence holder must provide each tenant with a written statement of the conditions of the terms on which they occupy the house.
5. The Licence Holder must obtain references from persons who wish to occupy the house.

### **Conditions relating to the property**

6. The licence holder must allow officers of the council access to the licensed property for the purpose of carrying out inspections at all reasonable times or on receipt of 24 hours' notice of their intention to inspect, whichever the sooner.
7. The licence holder must cooperate with environmental health staff in circumstances where complaints of alleged breaches of licence conditions have been made in respect of the licensed property.
8. The licence holder will ensure that any furniture supplied at the start of a tenancy or licence is in safe and good condition and maintained or replaced as far as it is the landlord's responsibility throughout the tenancy.

9. All repairs to the property are to be carried out by competent and reputable persons and as far as practicable; the licence holder will ensure all works are carried out to a reasonable standard.
10. If the property is a HMO, licence holder must ensure that the house is compliant with the council's approved standards for houses in multiple occupation, according to the type of accommodation offered. These standards will be reviewed periodically to ensure that they remain appropriate to the type of multi-occupied housing within the council's area and needs of residents.
11. The licence holder must provide the tenants of the licensed property and the occupiers of any adjoining properties, with details of the following:
  - a. name of the licence holder or managing agent
  - b. a contact address and daytime telephone number
  - c. an emergency contact telephone number.
  - d. standard reporting procedures for disrepair

This information must be supplied within 28 days of receipt of the licence document and should be clearly displayed in a prominent position within the licensable property. An emergency contact telephone number for the licence holder and/or management agency shall also be available and notified to the council.
12. Where major works are required during the period of the tenancy, the licence holder will provide suitable alternative accommodation for the period during which works are carried out. The licence holder must also notify the local authority to provide details of the works to be carried out, the timescale for completion and the accommodation arrangements made for the tenant.
13. The licence holder, when providing the utilities to the property, will set reasonable market rates for all utility supplies that are no greater than the rate at which they are charged by the energy supplier.
14. The licence holder will not attempt to end a tenancy or licence in order to avoid carrying out repairs.
15. The licence holder will provide the tenant with copies of user manuals for any equipment provided as part of the agreement.

### **Tenancy Arrangements**

16. The licence holder will arrange to undertake a detailed inventory to be agreed with all new tenants and kept on file at the onset of each new tenancy.
17. The number of persons residing in the premises at any one time shall not exceed the maximum number of occupants stated on the licence.
18. The Licence Holder must make use of an approved tenancy deposit scheme.
19. In circumstances where the licence holder seeks repossession of the property, this must be done using lawful means.

20. Where there are alley gates installed to the rear of the licensed property, the licence holder must:
  - a. take responsibility for holding a key for any alley gates which are in place or which are installed provide all new tenants with a copy of the key at the time of letting
  - b. issue any new tenants with a copy of any key holding agreement which is in place for the alley gate scheme to the rear of the licensed property.
21. The Licence Holder must ensure their property is inspected on an annual basis by the Licence Holder or their managing agent if the tenant has been living at the property for more than two years. If the tenant has been living in the property for less than two years the Licence Holder must ensure their property is inspected at least once every six months by the Licence Holder or their managing agent. The findings of the visit must be recorded.

### **Environmental Management**

22. The Licence Holder must ensure that the property and all outbuildings, yards, forecourts and gardens surrounding the house are maintained in repair and kept in a clean, tidy and safe condition and free from infestations.
23. The licence holder must provide adequate facilities for the storage and disposal of refuse and must outline to the tenants their responsibilities in this respect.

### **Local Authority cooperation**

24. The Licence Holder and any other relevant person involved with managing the property must inform the local authority within 14 working days of any changes in their circumstances not previously disclosed to East Staffordshire Borough Council as follows:-
  - a. Details of any unspent convictions that may be relevant to the Licence Holder and/or their managing agent in relation to 'fit and proper person'. This is in particular in relation to any such conviction in relation to fraud or dishonesty, violence or drugs or any offence listed in Schedule 3 of the Sexual Offences Act 2003
  - b. details of any finding by a court or tribunal against the Licence Holder and/or the manager that they have practiced unlawful discrimination on grounds of sex, sexuality, race, ethnic or national origin or disability against a tenant;
  - c. details of any contravention by the Licence Holder or managing agent of any provision of any enactment relating to housing, public health, environmental health or landlord and tenant law which led to criminal or civil proceedings resulting in a judgement or finding being made against them;
  - d. Information about any property the Licence Holder or managing agent owns or manages or has owned or managed which has been the subject of a:
    - i. Control order under S. 379 of the Housing Act 1985;
    - ii. or any appropriate enforcement action described in Part 1 Chapter 1 (5) of the Housing Act 2004;

- e. Information about any property the Licence Holder or manager owns or manages, or has owned or managed, for which a local housing authority has:-
  - i. refused to grant a licence under Part 2 or Part 3 of the Housing Act 2004; or
  - ii. Has revoked a licence in consequence of the Licence Holder breaching the conditions of their licence.
- f. Information about any proper property the Licence Holder or managing agent owns or manages or has owned or managed which has been the subject of an Interim or Final Management Order under Part 4 Chapter 1 of the Housing Act 2004;
- g. The owner of the property has secured a sale of the property in a designated selective licensing area;
- h. Any change in managing agent or the instruction of a management agent;

### **Anti-Social Behaviour**

25. The licence holder must take reasonable and practicable steps for tackling antisocial behaviour. The licence holder and/or his nominated managing agent are required to undertake an incremental process of investigation of any complaints which have been made either directly to them, or via the council, regarding their tenants. This process of investigation may involve one or more of the following.
  - Appropriate response to a complaint from a member of the community, neighbour or another person regarding the conduct of the licence holders' tenant(s) and/or the behaviour of their children or visitors.
  - Sending of appropriate and proportionate warning letter(s).
  - Conduct of a tenancy warning interview.
  - Attendance at a case conference or any other appropriate multi agency meeting arranged by the council or other relevant agency.
  - Engagement with the council, the police or any other agency involved in the case. This may involve providing supporting information or evidence where an appropriate authority seeks a legal remedy to the antisocial behaviour such as an Anti Social Behaviour Order.
  - Serving of a relevant notice to seek possession where all other interventions have failed and that all parties agree that this would be the most appropriate course of action.
  - The Licence Holder and/or managing agent co-operating with any relevant and reasonable advice given by a relevant and appropriate service such as Staffordshire Police and Staffordshire Fire and Rescue Service.
26. The Licence Holder and/or managing agent will provide upon request to the local authority any information demonstrating all reasonable action is being taken to deal with anti-social behaviour arising at or related to their property such as warnings or any other appropriate legal action has been taken.
27. The licence holder will ensure that tenants are aware of the services available to them and how they can report nuisance and anti-social behaviour.

## 11. Appendix 2- Key Points Directed By Central Government

Ref	Doc Ref	Description	Notes/Comments	Council Response
1	Page 6, Para 5	Selective license can only be designated in the private rented sector if an area has a high proportion of property. High proportion means more than 19%.	In the proposed designated area, there are 667 households and 271 rental households according to the SL proposal document. This is a higher than 19% rental in that area.	The proposed area has a high proportion of private rented accommodation which exceeds 19%
2	Page 6, Para 7	Council must consider if there are any other courses of action available that would achieve the same objective or objectives as the proposed scheme without the need for the designation to be made. Poor property programme of renewal or landlord education. Anti-social behavior where landlords not taking action could an education programme or a voluntary accreditation scheme achieve the same objective.	These points as denoted in this section are key considerations which have been very quickly dismissed in the SL proposal document as it does not serve to make the case for SL within the boroughs. No valid impact assessment has been undertaken as to why these activities have not been deemed unsuccessful and why any programme of renewal scheme has not been deemed appropriate if the condition of the housing stock is so bad.	The selective licensing proposal report details and considers 5 alternative courses of action on pages 12-14 which have been considered in accordance with the DCLG Local Authority Guide for selective licensing in the private rented sector guide, March 2015 and the DCLG Local Authority Guide- Improving the private rented sector and tackling bad practice guide.
3	Page 7, Para 8	If anti-social behaviour is only associated with small number of properties, the council can make a Special Interim Management Order	There have been zero Special Interim Management Orders made over the last five years to address anti-social behavior related to specific properties. This information has been confirmed by the FOIR.  The assumption made by the council is that anti-social behavior is related to the condition of properties however landlords have invested	Page 12 of the discusses Special Interim Management Orders and identifies that they are often made in relation to ASB emanating from the property. To date the Council has not had to use this tool in relation to ASB emanating from a property.  There has not been an assumption that anti-social behaviour is related to the condition of

			large sums of money to invest in houses.	properties.
4	Page 7, Para 9	Only where there is no practical and beneficial alternative to the designation should a scheme be made.	Alternative suggestion is to create a landlord body to work alongside the council to improve standards. Provide training to landlords to increase their awareness in regards to their responsibilities and increase tenant awareness of the housing conditions they should be provided with. A targeted campaign to both landlords and tenants will lead to a progressive improvement in housing standards. If the council can target tenants and landlords as part of this consultation, then surely it can target both landlord and tenants to increase awareness. Since Oct 2015, landlords have to provide a „How to Rent“ guide for each tenancy otherwise any potential eviction notices are null and void.	<p>The Council currently operate a landlord forum and provide advice, guidance and training through the forum in association with the National Landlords Association.</p> <p>Further training is available through landlord accreditation schemes which the Council encourage and signpost landlords to.</p> <p>The ‘How to rent’ guide prevents a landlord from legally evicting a tenant if they have not provided the document which the Council encourage but are unable to legally require landlords to use.</p>
5	Page 7, Para 10	Any designation made must seek to adopt a coordinated approach in connection with dealing with homelessness, empty properties and anti-social behaviour.	1. Homelessness - this will increase due to landlords either not having the spare funds to pay for licensing and associated works so will rather leave a property empty and pay the mortgage. Increase the rent to cover additional costs which in turn will lead to rent arrears and evictions. It is the most vulnerable tenants, in receipt of LHA, who will be at significant risk of homelessness. The	<p>Homelessness &amp; Empty Properties- a risk assessment has been completed which covers the risk of homelessness and the increase of empty properties.</p> <p>If a licensable property is empty a landlord can only apply for a temporary exemption notice for 3 months (which can be extended for a further 3 months in exceptional</p>

			<p>council will have to rehouse homeless families and this will be as a direct consequence of the proposed selective licensing programme.</p> <p>2. Empty properties - in the Anglesey ward and surrounding area there is a very high demand for properties which can be backed up by the low number of housing stock on for sale and landlords/letting agents experience of demand. If the council has properties which are empty most landlords will look to add to their portfolio. Therefore, once again selective licensing will not reduce the stock of empty properties and if anything, this will do the complete opposite of what the scheme is hoping to achieve.</p> <p>3. Anti-social behaviour - as rents increase, tenants fall into arrears, eviction notices are prescribed to tenants thereby increasing anti-social behaviour. Quite the opposite of what the scheme is hoping to achieve. Once again it is tenants who are on benefits, the most vulnerable tenants, who will be impacted negatively leading to an increase in homelessness and an upheaval to a number of families who have been settled in the area for many years. Furthermore,</p>	<p>circumstances).</p> <p>ASB- The scheme aims to work with partner agencies such as Staffordshire Police and Trent and Dove to promote responsible behaviour and reduce the prevalence of anti-social behaviour in all tenancies in the area.</p> <p>The scheme aims to increase the quality of rental accommodation for tenants.</p>
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			there has been no detailed consideration given to anti-social behaviour as a result of social housing establishments. There is nothing in the report detailing how many anti-social behaviour incidents have been as direct result of tenants who are residing at the YMCA establishment within the surrounds of the proposed designated area.	
6	Page 8, Para 13	Area suffering from Low Housing Demand	Letting agency figures in the area will be able to provide statistics for housing demand within the proposed designated area. Certainly, as a group of collective landlords we have not observed any lack of demand for rental accommodation over many years.	The Council has used the most recent figures available through the Office of National Statistics
7	Page 9	Anti-Social Behaviour	<p>How has the council obtained statistics to identify the proposed designated area has a high level of anti-social behaviour when compared to other inner cities and towns?</p> <p>How many ASBO"s have been provided in the area in relation to property conditions? Has crime increased in the said area over the previous 12 months, what facts show this?</p> <p>This information has not been provided even though a freedom of information request has been made specifically as</p>	<p>The report has not compared ASB statistics to other inner cities and towns. It has however compared statistics against other LSOAs that were considered within Appendix 1 of the proposal.</p> <p>The statistics used for the proposal have been obtained from the Staffordshire Observatory</p>

			<p>the council have said they do not hold this information. Therefore there are no current statistics used by the council to warrant a selective licensing proposal as proposed by the council.</p> <p>Also if there have been cases which are so serious and the landlord is not fulfilling his/her obligations then the council have not invoked their powers to enforce a Special Interim Management Orders over the last five years.</p> <p>This is either a failure by the council or evidence that there is not an issue to the extent which is being portrayed in the proposed selective licensing document.</p>	
8	Page 9, Para 18	Scheme should address how a landlord will manage anti-social behaviour.	<p>Landlords have made significant investments in their properties and will vet tenants as best as they can. Selective Licensing will make no material difference in this regard. Selective Licensing will have a further negative impact in relation to tenants who will find it difficult to obtain a reference because they are homeless or having graduated from a drug rehabilitation programme or people who have come out of prison. This vulnerable group in society will not be able to rent in the private sector. This will</p>	<p>The licence conditions will ensure that tenants are aware of their responsibilities and require landlords to work with partner agencies to deal with tenants that are known to be causing anti-social behaviour.</p>

			<p>actually increase homelessness and further strain council resources via costly temporary accommodation which will end up as medium to long term accommodation for these individuals. This will result in pockets of areas prone to anti-social behaviour due to individuals being displaced in society.</p>	
9	Page 10, Para 20	<p>Poor Property Conditions.</p> <p>Local authority has powers to address poor property conditions and selective licensing can ONLY be used if there are significant properties in poor conditions with respect to category 1 or 2 hazards and adversely affecting local area.</p> <p>Significant in the document states more than a small number although it does not have to be a majority of the private rented stock in the sector. It would not be appropriate to make a scheme if only a few individual properties needed attention.</p>	<p>There have been zero prosecutions made by the council over the last five years, as detailed by the freedom of information request, which shows that landlords are compliant with the council and are willing to work with the council to improve housing conditions.</p> <p>Over the last five years the enforcement team has worked with local landlords and housing standards have subsequently improved throughout and will continue to do so under the current system. The current system is working well and Selective Licensing will ensure good landlords will come forward however rogue landlords will go further underground and as such selective licensing will not fully meet its outlined objectives. In fact, the wider impact of selective licensing will be much more burdensome on the council and have a</p>	<p>The Housing Enforcement Policy utilises a graduated approach to enforcement. To date enforcement sanctions such as emergency prohibition notices, improvement notices have been utilised to ensure compliance.</p> <p>However, despite this action many landlords continue to avoid there legal duties and avoid complying with the legal duties. This is evident in the increasing number of complaints that the council receive.</p>

			dramatic negative impact on the most vulnerable in our society. There is nothing wrong with the current system as the council has every power they need to improve housing stock conditions. A better approach would be targeted campaign informing tenants of their rights; Landlords currently must issue a „Right to Rent“ document which ensures tenants area aware of their rights.	
10	Page 10, Para 24	High levels of migration	Migration criteria has been omitted in the Selective Licensing proposal.	Appendix 1 of the proposal states that a designation based on migration is not proposed and has therefore not been considered within the evidence base.
11	Page 11, Para 29	High levels of deprivation	As above landlords have made a significant investment in their properties and will not allow the tenancy to be mismanaged. Selective licensing will increase deprivation due to tenant evictions which will lead to an increase in homelessness.	Page 30 of the proposal details how selective licensing can result in an improvement in deprivation by securing improved health outcomes for residents.
12	Page 12, Para 34	High levels of crime	The source of data has not been provided by the council and ONS statistics are over five years old.	Figures in relation to crime have been sourced from the Staffordshire Observatory
13	Page 14, Para 38	Local housing authority will have to show how a designation will be part of the overall borough wide approach and how it fits with existing policies on homelessness, empty homes, regeneration and	Selective licensing will not meet the wider objectives of reducing homelessness, reducing empty homes and reducing anti-social behaviour as per points outlined above.	The proposal considers how the scheme will be a part of a borough wide approach and details how it will support and work in conjunction with existing polices on homelessness, empty

		anti-social behaviour associated with privately rented tenants.		properties and ASB. These are detailed on pages 9-12
14	Page 14, Para 39	Selective licensing must only be used where existing measures alone are not sufficient to tackle the underlying housing problems of the specific area.	Current measures are sufficient. Perhaps this is an internal council resourcing issue, it would be interesting to know if staff levels in the enforcement team have diminished over the last few years which is the reason why additional funding is being sourced via the proposed introduction of Selective Licensing.	The proposal considers how the scheme will support other measures on pages 9-14
15	Page 14, Para 41	Council must demonstrate the role of other partners such as the police and social services in ensuring the designation reaches its goals.	No breakdown in the Selective Licensing proposal of how the council will work with other partners to ensure the proposed designation reaches its goal. No breakdown of how the council currently works with its partners and what it will do over and above its current working arrangements with these parties.	The consultation proposal details how the council will work with partners and this is also provided within page 2 of the consultation report document.
16	Page 14, Para 42	Council must demonstrate it has considered whether there are other courses of action available to them that might provide an effective method of achieving the objective that the designation is intended to achieve.	Consideration notes have been provided in the consultation paper with sweeping generalisations not supported by detailed evidence and the consideration within the proposal does not present a balanced perspective for both the landlords and tenants.	The proposal has been based on robust evidence detailed within Appendix 1 of the report
17	Page 15, Para 44	Council must undertake a risk assessment	A full risk assessment has not been carried out as the proposal does not account for risk of homelessness;	A risk assessment has been completed on the selective licensing proposal and is available

			<p>refers to a statement made by shelter that selective licensing doesn't impact evictions yet landlords will have a very different perspective. Within Burton there is no shortage of alternative tenants so why would a landlord continue to house tenants on benefits on lower rents if selective licensing is introduced. So therefore, the most vulnerable in society will become homeless and the burden on the council will increase. This totally goes against the council homeless and housing policy.</p>	<p>as a background paper.</p>
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